

IAFT 11/24/2006 PTO 02 MAY 2006

PTO-1390 (Rev. 07-2005)

Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 11887-00008-US U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/578126
INTERNATIONAL APPLICATION NO. PCT/EP2004/052760	INTERNATIONAL FILING DATE 2 November 2004	PRIORITY DATE CLAIMED 3 November 2003
TITLE OF INVENTION: MEG1 ENDOSPERM-SPECIFIC PROMOTERS AND GENES		
APPLICANT(S) FOR DO/EO/US: Pascual Perez et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☒ The US has been elected (Article 31).
- ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - ☒ is attached hereto (required only if not communicated by the International Bureau).
 - ☐ has been communicated by the International Bureau.
 - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - ☐ is attached hereto.
 - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - ☐ are attached hereto (required only if not communicated by the International Bureau).
 - ☐ have been communicated by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - ☐ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☒ A preliminary amendment.
- ☒ An Application Data Sheet under 37 CFR 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.
- ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

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U.S. APPLICATION NO. (if known, see 37 CFR 1.53) <div style="font-size: 1.5em; font-weight: bold;">10/578126</div>	INTERNATIONAL APPLICATION NO. PCT/EP2004/052760	ATTORNEY'S DOCKET NUMBER 11887-00008-US	
20. <input checked="" type="checkbox"/> Other items or information: Form PCT/ISA/210, Form PCT/ISA/237, Return Postcard, Certificate of Express Mail, Statement to Support Filing and Submission in Accordance with 37 CFR 1.821-1.825 and 1.52(e)(4), Paper Copy of substitute Sequence Listing			
The following fees have been submitted		CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300		\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200		\$ 200.00	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500		\$ 400.00	
TOTAL OF 21, 22 and 23 =		\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
92 - 100 =	/50 =		x \$250.00
			\$
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	29 - 20 =	10	x 50.00
Independent claims	2 - 3 =	0	x
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+	
TOTAL OF ABOVE CALCULATIONS =		\$ 1,350.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.			
SUBTOTAL =		\$ 1,350.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).		\$	
TOTAL NATIONAL FEE =		\$ 1,350.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$	
		\$	
TOTAL FEES ENCLOSED =		\$ 1,350.00	
		Amount to be refunded:	\$
		Amount to be charged	\$

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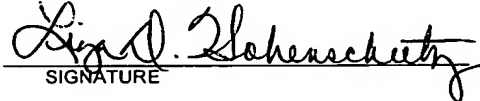
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- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 03-2775 in the amount of \$ 1,350.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-2775. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:


SIGNATURE

Liza D. Hohenschutz
NAME

CUSTOMER NUMBER: 23416

33,712
REGISTRATION NUMBER

May 2, 2006

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	Not Yet Assigned
		Filing Date	Concurrently Herewith
		First Named Inventor	Pascual Perez
		Examiner Name	Not Yet Assigned
		Art Unit	N/A
TOTAL AMOUNT OF PAYMENT (\$) 1,350.00		Attorney Docket No.	11887-00008-US

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>03-2775</u> Deposit Account Name: <u>Connolly Bove Lodge & Hutz LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

FEE CALCULATION								
1. BASIC FILING, SEARCH, AND EXAMINATION FEES								
Application Type	Fee (\$)	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
		Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	900.00	
Design	200	100	100	50	130	65		
Plant	200	100	300	150	160	80		
Reissue	300	150	500	250	600	300		
Provisional	200	100	0	0	0	0		
2. EXCESS CLAIM FEES								
							Small Entity Fee (\$) Fee (\$)	
Each claim over 20 (including Reissues)							50 25	
Each independent claim over 3 (including Reissues)							200 100	
Multiple dependent claims							360 180	
Total Claims <u>29</u> - 20 = <u>9</u>		Extra Claims <u>9</u> x <u>50.00</u> = <u>450.00</u>		Multiple Dependent Claims				
				Fee (\$) Fee Paid (\$)				
Indep. Claims <u>2</u> - 3 = <u>0</u>		Extra Claims <u>0</u> x _____ = _____						
				Fee (\$) Fee Paid (\$)				
3. APPLICATION SIZE FEE								
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
Total Sheets <u>92</u> - 100 = _____		Extra Sheets _____ /50 _____		Number of each additional 50 or fraction thereof _____		Fee (\$) Fee Paid (\$)		
				(round up to a whole number) x _____ = _____				
4. OTHER FEE(S)								
							Fees Paid (\$)	
Non-English Specification, \$130 fee (no small entity discount)								
Other (e.g., late filing surcharge): 1631 Basic National Stage fee							300.00	
1633 National Stage Examination Fee - all other ...							200.00	
1632 National Stage Search Fee - all other situations							400.00	
1615 National Stage claims - extra total (over twenty)							450.00	

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	33,712
Name (Print/Type)	Liza D. Hohenschutz	Telephone	(302) 658-9141
		Date	May 2, 2006

Application No. (if known): Not Yet Assigned

Attorney Docket No.: 11887-00008-US

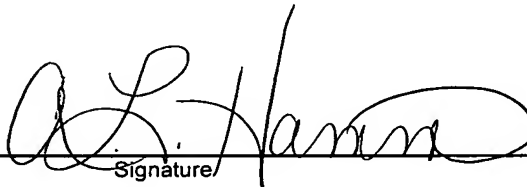
Title: MEG1 ENDOSPERM-SPECIFIC
PROMOTERS AND GENES

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV473527686US in an envelope addressed to:

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on May 2, 2006
Date



Signature

Amy L. Hamm

Typed or printed name of person signing Certificate

Registration Number, if applicable

(302) 658-9141
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter to the United States Designated-Elected
Office (3 pages)
Application Data Sheet (3 pages)
Fee Transmittal (1 page)
Copy of PCT/EP2004/052760 (Specification and Abstract 52 pages;
Claims - 5 pages; Drawings - 13 sheets; Sequence Listing - 22 pages)
Form PCT/ISA/210 (6 pages)
Form PCT/ISA/237 (5 pages)
Preliminary Amendment (9 pages)
Paper Copy of Substitute Sequence Listing (22 pages)
Statement To Support Filing And Submission In Accordance with
37 CFR §§1.821 - 1.825 and 37 C.F.R. §1.52(e)(4)
Computer Disk containing Sequence Listing
Return Postcard
Authorization to charge \$1,500.00 to deposit account 03-2775